

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

FILED  
DISTRICT COURT OF GUAM  
SEP 12 2005  
MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MG-05-00014-002

DATE: September 12, 2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge

Law Clerk: Judith Hattori

Court Recorder: Jamie M. Phelps

Courtroom Deputy: Leilani Toves Hernandez

Hearing Electronically Recorded: 10:01:12 - 10:11:34

CSO: B. Benavente

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: RICKY KIRACHKY

ATTY: JOAQUIN C. ARRIOLA, JR.

(X) PRESENT ( ) CUSTODY ( ) BOND (X) P.R.

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA & TRAVIS HUBLE

AGENT:

U.S. PROBATION: CARLEEN BORJA

U.S. MARSHAL: W. GRAY

INTERPRETER: \_\_\_\_\_

LANGUAGE: \_\_\_\_\_

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS \_\_\_\_\_

Base offense level:

Total offense level: 4

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

A sentence of probation is appropriate and a term of community service, as noted in the recommendation submitted by the Probation Officer.

( ) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Concurred with the recommendation of the Probation Officer.

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Both parties had no objections to the Presentence Report.

SENTENCE: MG-05-00014-002

DEFENDANT: RICKY KIRACHKY

( X ) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, AND LOCAL CRIMES.
2. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
3. DEFENDANT SHALL SUBMIT TO URINALYSIS WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND, TO TWO MORE URINALYSIS THEREAFTER.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND 18 U.S.C. §3583.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES AND SHALL PARTICIPATE IN ALCOHOL TESTING AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
7. DEFENDANT SHALL PERFORM 300 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

ALL FINES WERE WAIVED BY THE COURT SINCE IT HAD BEEN DETERMINED THAT HE DOES NOT HAVE THE ABILITY TO PAY.

DEFENDANT ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$35.00 IMMEDIATELY AFTER SENTENCING.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

Courtroom Deputy: At